

## Hanford Openness Workshops

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loopeness/index.htm

*The Hanford Openness  
Workshops are a  
collaborative effort  
among the U.S. Department  
of Energy-Rickland  
Operations Office, the  
Consortium  
for Risk Evaluation  
with Stakeholder  
Participation, the  
Oregon Office of  
Energy, the Washington  
Department of Ecology,  
and regional Tribal  
and citizen representatives.*

October 7, 1999

The Honorable Bill Richardson  
Secretary  
US Department of Energy  
1000 Independence Avenue SW  
Washington, DC 20585

Dear Secretary Richardson:

The Hanford Openness Workshops have identified two issues, which—if dealt with appropriately—could significantly improve the work environment at Hanford and other Department of Energy sites across the nation:

### *Turn Incentives to Litigate Into Incentives to Mediate*

The first issue focuses on DOE's current policy of reimbursing Hanford contractors for litigation costs arising from their activities on site. This policy provides contractors with an incentive to litigate, even when they are clearly in the wrong. As a result, downwinder lawsuits and litigation of whistleblower claims are almost always exhaustingly drawn-out by the contractor. In all of these cases, the tax payer—and DOE's cleanup efforts—are the real loser. Millions of tax dollars are diverted from more beneficial uses to defend contractors until every legal avenue has been exhausted, regardless of whether this defense is warranted.

DOE should reverse this policy. Having contractors face the prospect of paying their own legal fees creates an incentive to mediate disputes, particularly in those cases where the contractor is unlikely to prevail in litigation. Valid whistleblower claims will be resolved quicker, aiding DOE in the timely addressing of safety and security issues brought to light by whistleblowers. This will also free tax dollars for cleaning up the legacy of weapons production.

### *Make "Zero Tolerance" for Reprisals Real*

The second issue is fostering a reprisal-free workplace. You have commented in the past about the concept of "zero tolerance" for reprisals against workers who raise safety or other workplace concerns. The Workshop participants call on DOE to articulate a more definitive proposal leading to the development of a workplace infrastructure, which truly supports the goal of "zero tolerance" for reprisals.

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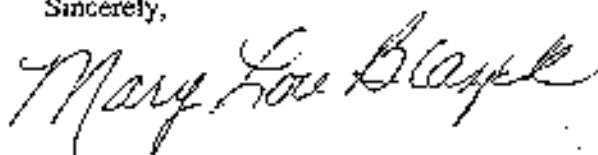
IS OPENNESS WORKING? A PROGRESS REPORT  
HANFORD OPENNESS WORKSHOPS, FALL 1999

APPENDIX 9. LETTER TO DOE RD: INCENTIVES TO MEDIATE AND ZERO TOLERANCE  
FOR RETALIATION

The Honorable Bill Richardson  
Secretary of Energy  
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We look forward to hearing your thoughts on these recommendations. Please do not hesitate to contact me if I can answer any questions about this letter or the Hanford Openness Workshops. I can be reached at (503) 378-5544.

Sincerely,

A handwritten signature in cursive script, reading "Mary Lou Blazek". The signature is written in dark ink and is positioned above the printed name and title.

Mary Lou Blazek  
Hanford Openness Workshops Spokesperson

Cc: Keith Klein, Hanford Manager  
Dick French, Office of River Protection  
Ernest Montiz, Undersecretary of Energy  
Carolyn Huntoon, Assistant Secretary of Energy  
David Michaels, Assistant Secretary of Energy